

**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

SOUTHERN UTAH WILDERNESS  
ALLIANCE, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF THE  
INTERIOR, *et al.*,

Defendants,

and

EOG RESOURCES, *et al.*,

Defendant-Intervenors.

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) Consolidated Case No. 2:12-cv-257-DAK  
) Honorable Dale A. Kimball  
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**SECOND DECLARATION OF  
MATTHEW PRESTON**

I, Matthew Preston, do declare as follows:

I have personal knowledge of the matter set forth herein and, if called to testify, I could and would testify competently thereto.

1. I am the Deputy State Director for the Division of Natural Resources for the Bureau of Land Management (BLM) Utah State Office (BLM Utah). The Division of Natural Resources encompasses management of the following programs: Renewable Resources, Planning and Environmental Coordination, Outdoor and Heritage Resources, and Wild Horses and Burros. I have been in this position since January 30, 2022. I have worked for BLM since 2011. I served as the Division Chief (Acting) for Wildlife Conservation, Aquatics, and Environmental Protection from January 2021 to January 2022, Deputy Division Chief for Wildlife Conservation for the BLM's Headquarters Office from May 2020 to January 2021, the Field Manager for the

Salt Lake Field Office from May 2016 to May 2020, and a Science Advisor and other similar roles in the BLM's Headquarters Office from July 2011 to May 2016.

2. I hold a Bachelor of Science in Environmental Biology from the University of Colorado. I also hold a Master of Science and a PhD in Evolutionary Anthropology from the University of California-Davis.

3. In my current position, I am the second line supervisor for the acting Deputy State Historic Preservation Officer/BLM State Archeologist (Tylia Varilek) and the State Travel Management Planning Coordinator (David Jacobsen). I report directly to the BLM Utah State Director (Gregory Sheehan).

4. Since January 2022, I have been involved in the oversight and coordination of the implementation of the Settlement Agreement in *Southern Utah Wilderness Alliance v. U.S. Department of the Interior*, U.S. District Court (D. Utah) Consolidated Case No. 2:12-cv-257, U.S. Court of Appeals for the Tenth Circuit Nos. 15-4151, 15-4152, 15-4153, 15-4155, 15-4158 ("2017 Settlement Agreement"). I advise the BLM Utah State Director on the status of the implementation of the agreement and the commitments made therein.

5. As the Deputy State Director for the Division of Natural Resources, I manage the Recreation and Travel Management programs for BLM Utah. In coordination with the BLM Utah Leadership Team (comprised of District Managers and other Deputy State Directors), I am responsible for budgeting and resource allocation for all travel management and planning on BLM-managed lands in Utah. I am also responsible for overseeing cultural resource management on BLM-managed lands in Utah in accordance with law, regulation, and policy. My responsibility includes oversight for consultation efforts with the State Historic Preservation Office ("SHPO") and providing cultural resource data that is reliable, trustworthy, and credible

to support consultation efforts. Responsibility for the actual consultation efforts, environmental analysis, and decision-making associated with any particular Travel Management Plan (“TMP”), however, is retained by the local line-officer.

6. I am very familiar with the workload and processes required to complete TMPs in Utah, the history of the timelines for the TMPs discussed below, and complications leading to the original notification and subsequent status updates.

### **Status Update**

7. The BLM is providing this December 2023 Status Update in accordance with paragraph 39 of the 2017 Settlement Agreement. The BLM has been providing notifications and status updates pursuant to the 2017 Settlement Agreement since July 26, 2019. Most recently, on September 27, 2023, the BLM submitted its “Defendants’ Quarterly Status Update Regarding the Dinosaur (North), San Rafael Swell, Book Cliffs, Nine Mile Canyon, Henry Mountains and Fremont Gorge, Trail Canyon, Paunsaugunt, and Labyrinth/Gemini Bridges Travel Management Plans,” ECF No. 589, and corresponding First Declaration of Matthew Preston, ECF No. 589-1 (together, the “September 2023 Status Update”).

### **Dinosaur (North) Travel Management Plan**

8. At this time, there are no updates to the Dinosaur (North) TMP beyond the general circumstances described in the September 2023 Status Update. *See* ECF No. 589-1 at ¶ 8. The BLM continues to anticipate that the Dinosaur (North) TMP will be completed by May 31, 2025.

### **San Rafael Swell Travel Management Plan**

9. Since the September 2023 Status Update, the BLM has continued to prepare for field verifications of various routes within the San Rafael Swell TMA to update the preliminary route alternatives. *See* ECF No. 589-1 at ¶ 9. As part of this process, the BLM’s Interdisciplinary Team

(IDT) has been re-reviewing previously completed route evaluations to consider any new information received and ensure that they reflect current conditions and data. In addition to the work on field verifications and the route re-evaluations, the BLM is currently preparing NEPA consultation invitations for applicable Tribes and planning for cooperating agency project update meetings during Winter/Spring 2024. The BLM still anticipates that this TMP will be completed by November 10, 2024.

10. Since the September 2023 Status Update, the BLM has also begun work to establish a contract to accommodate cultural resource surveys along certain routes crossing lands currently managed by the Utah Trust Lands Administration (TLA) that will be exchanged to the BLM as part of the Dingell Act Land Exchange (DOI-BLM-UT-0000-2022-0003-EA). These surveys will allow these routes to be considered for designation once the underlying lands are transferred to the BLM.

11. Finally, the BLM's contractor has completed all field work and has submitted final reports for the required Mexican spotted owl (MSO) and San Rafael cactus surveys. *See* ECF 589-1 at ¶ 10. The BLM is currently working on the Biological Assessment that will be submitted to the U.S. Fish and Wildlife Service (USFWS) for Endangered Species Act section 7 consultation.

#### **Book Cliffs Travel Management Plan**

12. At this time, there are no updates to the Book Cliffs TMP beyond the general circumstances described in the September 2023 Status Update. *See* ECF No. 589-1 at ¶ 11. The BLM continues to anticipate that the Book Cliffs TMP will be completed by June 2025.

### **Nine Mile Canyon Travel Management Plan**

13. At this time, there are no updates to the Nine Mile Canyon TMP beyond the general circumstances described in the September 2023 Status Update. *See* ECF No. 589-1 at ¶ 12. The BLM continues to anticipate that the Nine Mile Canyon TMP will be completed by March 2026.

### **Henry Mountains and Fremont Gorge Travel Management Plan**

14. Since the September 2023 Status Update, the BLM has received SHPO concurrence on site eligibility determinations for Phases 2, 3, 4, 5, and 6 of the cultural re-survey for the Henry Mountains-Fremont Gorge TMA. The site forms for Phase 7 have been submitted to SHPO for concurrence on site eligibility determinations; as noted in the June 2023 Status Update, the BLM plans to submit site forms on a rolling basis as they are finalized. *See* ECF No. 589-1 at ¶ 13. The BLM is currently reviewing the initial drafts of site forms and the report for Phase 1. Based on current progress, the BLM now anticipates that the cultural resources re-survey process will be completed by the end of February 2024 instead of December 2023.

15. In addition, based on field site visits to Mexican spotted owl (MSO) during the 2023 field season, the BLM – in coordination with USFWS – removed several of the call points planned for the 2024 survey period because they were in non-canyon or poor MSO habitat or were along routes that have been naturally reclaimed because of non-use. As a result, the 2024 survey period will include visits to 85 MSO call points instead of 107. The BLM is working to establish a contract for the 2024 surveys for MSO, the southwest willow flycatcher, and yellow-billed cuckoo and anticipates that these surveys will be completed on schedule.

16. As with the Dinosaur (North) and San Rafael Swell TMPs, the BLM will be re-reviewing the route evaluations in the Henry Mountains-Fremont Gorge TMA, which were originally

completed several years ago. *See, e.g.*, ECF 587-1 at ¶¶ 8-9, 17. The BLM plans to initiate these re-reviews in January 2024.

17. Given the progress made on the Henry Mountains-Fremont Gorge TMP to date, the BLM continues to anticipate that it will be completed by November 15, 2024.

### **Trail Canyon Travel Management Plan**

18. At this time, there are no updates to the Trail Canyon TMP beyond the general circumstances described in the September 2023 Status Update. *See* ECF No. 589-1 at ¶ 16. As a result of limited progress made on this TMP since the last update, the BLM now anticipates that the Trail Canyon TMP will be completed in the fourth quarter of 2024 instead of the second quarter of 2024. As described in previous status updates, the redirection of staff to the ongoing Grand Staircase-Escalante National Monument (GSENM) planning effort and other priority projects, the lessons learned from the San Rafael Desert TMP Reconsideration effort, and key staff vacancies are the primary causes of the limited progress on this TMP. *See, e.g.*, ECF No. 585-1 at ¶ 17-18 and ECF No. 584-1 at ¶¶ 15-17.

### **Paunsaugunt Travel Management Plan**

19. At this time, there are no updates to the Paunsaugunt TMP beyond the general circumstances described in the September 2023 Status Update. *See* ECF No. 589-1 at ¶ 17. As a result of limited progress made on this TMP since the last update, the BLM now anticipates that the Paunsaugunt TMP will be completed in the first quarter of 2025 instead of the fourth quarter of 2024. As described in paragraph 18 above, the redirection of staff to the ongoing GSENM planning effort and other priority projects, the lessons learned from the San Rafael Desert TMP Reconsideration effort, and key staff vacancies are the primary causes of the minimal progress on this TMP.

**Labyrinth/Gemini Bridges Travel Management Plan**

20. The BLM signed the Decision Record for the Labyrinth/Gemini Bridges TMP on September 28, 2023. As such, the BLM has completed the requirements of paragraph 13.c.i. of the 2017 Settlement Agreement and will not be issuing further status updates for this TMP.

I declare under penalty of perjury that the foregoing is true and correct. Signed this 19th day of December 2023.

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Matthew Preston  
BLM Utah Deputy State Director for  
the Division of Natural Resources